

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TRACI HANER,

Plaintiff

COMPLAINT

vs.

Jury Trial Demanded

NIAGARA COUNTY, NEW YORK,

Defendant

1. This is a complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., the Pregnancy Discrimination Act, 42 USC § 2000e(k), et seq., and the Americans with Disabilities Act, 42 U.S.C §§ 12101, et seq. Plaintiff also raises claims pursuant to the New York Human Rights Law.

2. As is set forth in detail, below, Defendant denied the Plaintiff a promotion because of her gender (female), her pregnancy, or her temporary disability.

JURISDICTION AND VENUE

3. Jurisdiction is conferred upon this Court by 28 USC §§ 1331 and 1343; supplemental jurisdiction over Plaintiff's state law claims is conferred upon this Court by 28 USC § 1367.

4. Plaintiff has exhausted administrative remedies; a copy of the charge filed with the Equal Employment Opportunity Commission on May 13, 2016, and the Right to Sue letter issued by the Equal Employment Opportunity Commission on March 8, 2019, are attached hereto as Exhibits A and B.

5. Venue is properly laid in the Western District of New York pursuant to 28 USC § 1391(b) because the Defendants are located in the Western District of New, and because the events giving rise to the Complaint occurred in the Western District of New York.

PARTIES

6. Plaintiff TRACI HANER is a woman.

7. At all times relevant to this action, Plaintiff HANER was pregnant.

8. At all times relevant to this action, Plaintiff HANER was a person with a disability within the meaning of the relevant statutes.

9. Defendants NIAGARA COUNTY, NEW YORK, is a “person” and an “employer” within the meaning of the applicable statutes.

FACTS

10. At all times relevant to this Complaint, Defendant NIAGARA COUNTY, NEW YORK, operated the Niagara County Jail in Lockport, New York.

11. The Plaintiff was employed as a Correction Officer in the Niagara County Jail, at all times relevant to this Complaint.

12. In October 2015, the Plaintiff notified Defendant that she was pregnant.

13. In October 2015, the Plaintiff was under consideration for promotion to the position of Lieutenant in the Niagara County Jail.

14. Plaintiff had taken a civil service examination for the position of Lieutenant.

15. On information and belief Plaintiff was one of three women who were eligible for the position of Lieutenant.

16. Plaintiff was not offered the promotion to the position of Lieutenant.
17. Neither of the other two women who were eligible were promoted to the position of Lieutenant.
18. On information and belief Defendant offered the promotion to male corrections officers who had scored lower on the civil service examination than women who were not promoted.
19. A male employee was promoted to the position of Lieutenant in 2015.

FIRST CAUSE OF ACTION: DISCRIMINATION ON THE BASIS OF GENDER IN
VIOLATION OF TITLE VII

20. Plaintiff reasserts and realleges the allegations set forth in ¶¶ 1 through 19 as though fully set forth herein.
21. Defendant discriminated against the Plaintiff on the basis of her gender (female) by failing to promote her to the position of Lieutenant in October 2015.
22. Defendants acted knowingly and intentionally, despite their awareness that their actions violated Plaintiff's rights under state and federal law.
23. As a result of Defendant's illegal actions, Plaintiff has suffered economic loss, loss of enjoyment of life, emotional pain and suffering, and loss of future earnings.

SECOND CAUSE OF ACTION: DISCRIMINATION ON THE BASIS OF PREGNANCY IN
VIOLATION OF TITLE VII

24. Plaintiff reasserts and realleges the allegations set forth in ¶¶ 1 through 23 as though fully set forth herein.

25. Defendant discriminated against the Plaintiff on the basis of her pregnancy by failing to promote her to the position of Lieutenant in October 2015.

26. Defendants acted knowingly and intentionally, despite their awareness that their actions violated Plaintiff's rights under state and federal law.

27. As a result of Defendant's illegal actions, Plaintiff has suffered economic loss, loss of enjoyment of life, emotional pain and suffering, and loss of future earnings.

THIRD CAUSE OF ACTION: DISCRIMINATION ON THE BASIS OF DISABILITY IN
VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

28. Plaintiff reasserts and realleges the allegations in ¶¶ 1 – 27 as though fully set forth herein.

29. Defendant discriminated against Plaintiff on the basis of her disability by failing to promote her to the position of Lieutenant in October 2015.

30. Defendants acted knowingly and intentionally, despite their awareness that their actions violated Plaintiff's rights under state and federal law.

31. As a result of Defendant's illegal actions, Plaintiff has suffered economic loss, loss of enjoyment of life, emotional pain and suffering, and loss of future earnings.

FOURTH CAUSE OF ACTION: DISCRIMINATION IN VIOLATION OF NEW YORK LAW

32. Plaintiff reasserts and realleges the allegations set forth in ¶¶ 1 through 31 as though fully set forth herein.

33. Defendant discriminated against Plaintiff on the basis of her gender, pregnancy and disability by failing to promote her to the position of Lieutenant in October 2015.

34. As a result of Defendant's illegal actions, Plaintiff has suffered economic loss, loss of enjoyment of life, emotional pain and suffering, and loss of future earnings.

WHEREFORE, Plaintiff respectfully requests this Court to enter Judgment:

1. Holding that Defendants have violated Plaintiff's rights under Title VII, the Pregnancy Discrimination Act, the Americans with Disabilities Act, and the New York Human Rights Law;
2. Promoting Plaintiff to the position of Lieutenant;
3. Enjoining Defendants from engaging in further discrimination against the Plaintiff;
4. Awarding Plaintiff back pay and benefits with interest;
5. Awarding Plaintiff compensatory damages;
6. Awarding Plaintiff punitive damages;
7. Awarding Plaintiff attorney's fees and costs;

Plaintiff demands a trial by jury on all issues triable by jury.

Dated: June 7, 2019

~~/s/ Elizabeth Tommaney~~
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